

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-2152V

UNPUBLISHED

LEONARD DITOMASO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 5, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Influenza (Flu)
Vaccine; Guillain-Barre Syndrome
(GBS)

Jessica E. Choper, Britcher Leone, L.L.C., Glen Rock, NJ, for Petitioner.

James Vincent Lopez, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On November 9, 2021, Leonard Ditomaso filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that Guillain Barré Syndrome (GBS), resulting from the adverse effects of an influenza (flu) vaccination received on December 31, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 20, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. It is Respondent’s position that [P]etitioner has satisfied the criteria set forth in the Table and the Qualifications and Aids to Interpretation. *Id.* at 9. Specifically,

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent determined that “[P]etitioner received his vaccination in the United States, that [P]etitioner satisfies the statutory severity requirement by suffering the residual effects or complications of his injury for more than six months after vaccine administration, and there is also no evidence of a factor unrelated that is a more likely cause of [P]etitioner’s injury. *Id.* Respondent further agrees that the scope of damages to be awarded is limited to Petitioner’s GBS and its related sequelae only. *Id.*

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master